

1 KEKER & VAN NEST LLP  
2 ROBERT A. VAN NEST - #84065  
rvannest@kvn.com  
3 CHRISTA M. ANDERSON - #184325  
canderson@kvn.com  
4 DANIEL PURCELL - #191424  
dpurcell@kvn.com  
633 Battery Street  
5 San Francisco, CA 94111-1809  
Telephone: 415.391.5400  
6 Facsimile: 415.397.7188

7 KING & SPALDING LLP  
8 SCOTT T. WEINGAERTNER (*Pro Hac  
Vice*)  
sweingaertner@kslaw.com  
9 ROBERT F. PERRY  
rperry@kslaw.com  
10 BRUCE W. BABER (*Pro Hac Vice*)  
11 1185 Avenue of the Americas  
New York, NY 10036  
Tel: 212.556.2100  
12 Fax: 212.556.2222

13 Attorneys for Defendant  
14 GOOGLE INC.

KING & SPALDING LLP  
DONALD F. ZIMMER, JR. - #112279  
fzimmer@kslaw.com  
CHERYL A. SABNIS - #224323  
csabnis@kslaw.com  
101 Second St., Suite 2300  
San Francisco, CA 94105  
Tel: 415.318.1200  
Fax: 415.318.1300

IAN C. BALLON - #141819  
ballon@gtlaw.com  
HEATHER MEEKER - #172148  
meekerh@gtlaw.com  
GREENBERG TRAURIG, LLP  
1900 University Avenue  
East Palo Alto, CA 94303  
Tel: 650.328.8500  
Fax: 650.328-8508

18 ORACLE AMERICA, INC.,

19 Plaintiff,

20 v.

21 GOOGLE INC.,

22 Defendant.

Case No. 3:10-cv-03561-WHA

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**DECLARATION OF TIM LINDHOLM IN  
RESPONSE TO DECLARATION OF  
FRED NORTON**

Judge: Hon. Donna M. Ryu

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Tim Lindholm, state:

2 1. I have been employed since 2005 by Google as a Software Engineer in the  
3 Systems Infrastructure group at Google. I submit this Declaration to respond to Oracle's  
4 assertions in the Norton Declaration regarding my involvement with Android.

5 2. I have knowledge of the facts set forth herein, and if called to testify as a witness  
6 thereto could do so competently under oath.

7 3. Before coming to Google in 2005, I was employed by Sun Microsystems ("Sun")  
8 as a Distinguished Engineer.

9 4. Oracle's Norton Declaration asserts that I was "involved in Android from the very  
10 beginning of [my] employment at Google." Norton Decl. ¶ 11. In support of this assertion, the  
11 declaration quotes and attaches as exhibits several emails from July 2005 to April 2006, all of  
12 which contain my name or address in the "To" or "From" field. Norton Decl. ¶ 11, Exs. A-G.

13 5. The emails in the Norton Declaration reflect my role as an ancillary advisor to the  
14 Android team in the mid-2005 to the mid-2006 timeframe. During that time, I understand that  
15 Google and Sun were discussing a business and technology partnership. Because of my then-  
16 recent employment at Sun, I was asked and was able to provide introductions between my former  
17 colleagues at Sun and my new colleagues at Google. I also provided occasional, general advice  
18 upon request to certain members of the Android team during that timeframe. My involvement  
19 with Android did not extend beyond those activities during that timeframe, and I did not play a  
20 critical or necessary role in those discussions between Google and Sun. I did not have then nor  
21 have I ever had any authority to make any decisions related to the business strategy of Android.  
22 I have never made any decisions related to the business strategy of Android.

23 6. I have never participated in the design, development, or implementation of the  
24 Android platform. Further, there is no connection between my involvement in the Google and  
25 Sun discussions of 2005 and 2006, discussed in paragraph 5, and the e-mail I drafted on August  
26 6, 2010 and the work that led to it.

27 7. In preparing my August 6, 2010 email and drafts thereof, I was not intending to  
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1 give general business advice to anyone in connection with Android's ongoing business  
2 operations. The email and drafts thereof report investigations and analysis that Google engineer  
3 Dan Grove and I conducted at the request of Google in-house attorney Ben Lee and Google  
4 General Counsel Kent Walker, in order for Mr. Lee and Mr. Walker to develop legal advice and  
5 convey that advice to Google's executive management. At the request of Mr. Lee and Mr.  
6 Walker, and under Mr. Lee's supervision, Mr. Grove and I gathered certain information for  
7 Google's lawyers and management to consider in evaluating technology issues related to  
8 Oracle's infringement claims. My August 6, 2010 email and drafts thereof were intended to be,  
9 and were, a communication to Mr. Lee (among others) reporting on that investigation in  
10 anticipation of Oracle's threatened lawsuit.

11        8. I understood that the purpose of my investigation of these issues was to assist  
12 Google's in-house counsel in formulating Google's legal analysis related to specific  
13 infringement claims made by Oracle. Similarly, I understood that the results I reported to Mr.  
14 Lee would assist Google's in-house counsel in formulating Google's legal analysis of Oracle's  
15 specific infringement claims.

I declare under penalty of perjury that the foregoing facts are true and correct and that  
this declaration was executed at Mountain View, California on August 19, 2011.

By: TIM LINDHOLM